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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL GARCIA, ET AL.,

Defendants.

CASE NO. 2:20-CR-00181-JAM

**AMENDED STIPULATION REGARDING
EXCLUDABLE TIME PERIODS UNDER SPEEDY
TRIAL ACT; FINDINGS AND ORDER**

DATE: December 13, 2022
TIME: 9:00 a.m.
COURT: Hon. John A. Mendez

STIPULATION

1. The United States previously filed a request to continue this matter to February 21, 2023. ECF No. 111. The parties mistakenly asked for a date that was not available for this Court. This amended request asks for the matter to be continued to February 28, 2023, which the parties have confirmed is available.

2. By previous order, this matter was set for status on December 13, 2022.

3. By this stipulation, defendants now move to continue the status conference until February 28, 2023 at 9:00 AM, and to exclude time between December 13, 2022, and February 28, 2023 , under Local Code T4.

4. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes over 50 gigabytes of evidence in electronic form, including multiple hours of covert

1 recordings, pictures, investigative reports, and related documents. All of this discovery has been
2 either produced directly to counsel and/or made available for inspection and copying.

3 b) Counsel for defendants require additional time to review the discovery,
4 investigate any possible defenses, research potential pretrial motions, and explore potential
5 resolutions to the case, and otherwise prepare for trial. The parties are continuing their efforts on
6 plea negotiations. Finally, counsel for defendants need additional time to prepare mitigation
7 materials.

8 c) Counsel for defendants believes that failure to grant the above-requested
9 continuance would deny them the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 d) The government object to the continuance.

12 e) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of December 13, 2022 to February
17 28, 2023 , inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
18 Code T4] because it results from a continuance granted by the Court at defendant's request on
19 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
20 best interest of the public and the defendant in a speedy trial.

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5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: December 9, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ ADRIAN T. KINSELLA
ADRIAN T. KINSELLA
Assistant United States Attorney

Dated: December 9, 2022

/s/ HOOTAN BAIGMOHAMMADI
HOOTAN BAIGMOHAMMADI
Counsel for Defendant
MICHAEL GARCIA

Dated: December 9, 2022

/s/ MICHAEL D. LONG
MICHAEL D. LONG
Counsel for Defendant
NANCY GARCIA

ORDER

IT IS SO FOUND AND ORDERED this 9th day of December, 2022.

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE